

In re: **Thomas Vogt, Jr.**
8579Case No.
Chapter **13****CHAPTER 13 PLAN****NOTICE**

THIS PLAN CONTAINS EVIDENTIARY MATTER WHICH, IF NOT CONTROVERTED, MAY BE ACCEPTED BY THE COURT AS TRUE. CREDITORS CANNOT VOTE ON THIS PLAN BUT MAY OBJECT TO ITS CONFIRMATION PURSUANT TO BANKRUPTCY CODE § 1324, AND LOCAL RULES. ABSENT ANY SUCH OBJECTION, THE COURT MAY CONFIRM THIS PLAN AND ACCEPT THE VALUATION AND ALLEGATIONS CONTAINED HEREIN.

The Debtor(s) above named hereby proposes the following plan.

1. Debts. All debts are provided for by this Plan. Only creditors holding claims duly proved and allowed shall be entitled to payments from the Trustee. (See Notice of Filing of Bar Date.) Trustee shall not file a claim on behalf of any creditor.

2. Payments. As of the date of this plan, the debtor has paid **\$0.00** to the Trustee. Debtor and/or any entity from whom the debtor(s) receive income shall pay to the Trustee the sum of **\$250.00 Monthly**, commencing , for **60** months for a total of **\$15,000.00** or until such amounts are paid that will afford payment of all allowed and proven claims in the amounts payable under this Plan.

Graduated Payments: BEGIN MONTH # OF MONTHS ADJUSTMENT

3. Plan Payments. The Trustee, from available funds, shall make payments to creditors in the following amounts and order. All dates for beginning of payments are estimates only and may be adjusted by the Trustee as necessary to carry out the terms of this plan.

A. DEBTOR'S ATTORNEY	FEE REQUESTED	PAID TO DATE	BALANCE DUE	--- PAYMENT SCHEDULE ---			TOTAL PAYMENTS
				PAYMENT	MONTH	LENGTH	
Michael J. O'Connor, Esq.	3,490.00	0.00	3,490.00	183.68	1	19	3,490.00

B. Mortgage Arrears. (Regular monthly payments to be made by Debtor and to start on the first due date after date of filing petition.)

CREDITOR	RATE	ARREARS	--- PAYMENT SCHEDULE ---			TOTAL PAYMENTS
			PAYMENT	MONTH	LENGTH	
Chase Home Mortgage	0.00%	5,912.00	184.75	19	32	5,912.00

C. Secured Claims. (A creditor's secured claim shall be the net amount due as of date of filing or the value of the collateral to which creditor's lien attaches, whichever is less. Interest shall be allowed at contract rate or **12.00%** APR whichever is less. Creditor shall retain its lien until the allowed secured portion of the claim is fully paid.)

CREDITOR & COLLATERAL	RATE	CLAIM	--- PAYMENT SCHEDULE ---			TOTAL PAYMENTS
			PAYMENT	MONTH	LENGTH	
i. Secured Claims - Paid in full						
Culligan Finance/water system	0.00%	1,000.00	90.91	50	11	1,000.00
GEMB/Mower	0.00%	950.00	86.36	50	11	950.00
HSBC/2 used ATV both totaled no value	5.00%	1.00	0.09	50	11	1.00

ii. Secured Claims - Cure default only

NONE

D. Priority Claims. (Unsecured claims entitled to priority under 11 U.S.C. § 507 shall be paid in full as follows.)

CREDITOR	PRIORITY CLAIM	--- PAYMENT SCHEDULE ---			TOTAL PAYMENTS
		PAYMENT	MONTH	LENGTH	
NONE					

E. Separate Class of Unsecured Claims. (May include co-signed debts as provided for by 11 U.S.C. § 1301, including interest at contract rate.)

CREDITOR & CLASSIFICATION	UNSECURED CLAIM	RATE	--- PAYMENT SCHEDULE ---			TOTAL PAYMENTS
			PAYMENT	MONTH	LENGTH	
NONE						

F. Unsecured Creditors. (All other creditors not scheduled above are deemed unsecured without priority and shall be paid pro rata from funds remaining after payment of above scheduled claims. Debtor estimates the unsecured claims to total \$ **77,451.00**, and proposes to provide at least \$ **0.27** which will pay in full said creditors' claims, or in no event, provide a composition percentage of less than **0.00%**. (Funds Provided/Unsecured Claims)

G. Lien Avoidance. (Debtor intends to file a motion, pursuant to Bankruptcy Rule 4003(d) to avoid all nonpossessory, nonpurchase money security interests and judicial liens as provided by 11 U.S.C. § 522(f), and the plan herein provides for payment of such liens as general unsecured claims only. Any creditors' claim or portion thereof not listed in paragraph C above is to be treated as unsecured and, unless objected to, such unsecured status, for purposes of this plan, will be binding upon confirmation, but the lien shall survive unless avoided.

H. Leases and Contracts. The Debtor hereby assumes the following unexpired leases and executory contracts, and rejects all others.

NAME OF CREDITOR	DESCRIPTION
NONE	

I. Miscellaneous Provisions.

4. Secured Claims - Paid directly by debtor(s). The following creditors' claims are fully secured, shall be paid directly by the debtors, and receive no payments under paragraph 3 above:

CREDITOR	COLLATERAL	MARKET VALUE	AMOUNT OF CLAIM
Chase Home Mortgage	Knickerbocker Road Schaghticoke, NY	140,000.00	146,659.00
GMAC	2008 GMC Sierra SLE 22,000 miles	15,600.00	34,933.00
Berkshire Bank	2006 Yamaha ATV Grisley 660	1,200.00	4,710.00
Best Buy/HSBC	Laptop	150.00	650.00

5. Future Income. Debtor(s) submits all future earnings or other future income to such supervision and control of the Trustee as is necessary for the execution of this Plan.

6. Standing Trustee Percentage Fee. Pursuant to 28 U.S.C. § 586(e)(B), the Attorney General, after consultation with the United States Trustee, sets a percentage fee not to exceed ten percent of payments made to creditors by the Trustee under the terms of this Plan.

SUMMARY AND ANALYSIS OF PLAN PAYMENTS TO BE MADE BY TRUSTEE

A. Total debt provided under the Plan and administrative expenses

1. Attorney Fees	3,490.00
2. Mortgage Arrears	5,912.00
3. Secured Claims	1,951.00
4. Priority Claims	0.00
5. Separate Class of Unsecured Claims	0.00
6. All other unsecured claims	0.27
 Total payments to above Creditors	 11,353.27
Trustee percentage	454.13
* Total Debtor payments to the Plan	15,000.00

* Total payments must equal total of payments set forth in paragraph 2 on page 1 of this Plan.

B. Reconciliation with Chapter 7

1. Interest of unsecured creditors if Chapter 7 filed	
a. Total property of debtor	160,855.00
b. Property securing debt	156,800.00
c. Exempt property	4,055.00
d. Priority unsecured claims	0.00
e. Chapter 7 trustee fee	0.00
f. Funds for Chapter 7 distribution (est.)	0.00
 2. Percent of unsecured, nonpriority claims paid under Plan	 0.00
 3. Percent of unsecured, nonpriority claims paid if Chapter 7 filed (est.)	 0.00

Attorney for Debtor(s):
Michael J. O'Connor, Esq.
601055

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20 Corporate Woods Blvd.
Albany, NY 12211

Signed: _____
Thomas Vogt, Jr., Debtor

Phone: 518-465-0400
Fax: 518-641-7000

Signed: _____
Michael J. O'Connor, Esq.

Dated: _____

SUMMARY AND ANALYSIS OF PLAN PAYMENTS TO BE MADE BY TRUSTEE

A. Total debt provided under the Plan and administrative expenses

1. Attorney Fees	0.00
2. Mortgage Arrears	0.00
3. Secured Claims	0.00
4. Priority Claims	0.00
5. Separate Class of Unsecured Claims	0.00
6. All other unsecured claims	0.00
 Total payments to above Creditors	0.00
Trustee percentage	0.00
* Total Debtor payments to the Plan	-149,577.48

* Total payments must equal total of payments set forth in paragraph 2 on page 1 of this Plan.

B. Reconciliation with Chapter 7

1. Interest of unsecured creditors if Chapter 7 filed	
a. Total property of debtor	0.00
b. Property securing debt	0.00
c. Exempt property	0.00
d. Priority unsecured claims	0.00
e. Chapter 7 trustee fee	0.00
f. Funds for Chapter 7 distribution (est.)	0.00
 2. Percent of unsecured, nonpriority claims paid under Plan	0.00
 3. Percent of unsecured, nonpriority claims paid if Chapter 7 filed (est.)	0.00

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